



TECHNICAL ADVISORY COMMITTEE (TAC)

Meeting Minutes

October 19, 2004 9:30 a.m. – 2:45 p.m.

San Diego, California

Attendance:

Stephen Ricks	Matt Rezvani	Rosemary Corbin	R. Mitchel Beauchamp	Ellen Faurot-Daniels
Sarah Newkirk	Ken Leverich	Linda Scourtis	Gary Gregory	Laurelea Williams
Charles White	Ryan Todd	Scott Schaefer	Megan Walton	Marguerite Diaz
Jonna Mazet	Bud Leland	William Bass	Joy Lavin-Jones	Mike Ziccardi

The October 19, 2004 meeting of the Oil Spill Technical Advisory Committee (TAC), in San Diego, California, was called to order at 9:30 a.m. – Stephen Ricks, Chairperson, presiding.

I. COMMENCEMENT/INTRODUCTIONS

STEPHEN RICKS (CHAIRPERSON)/TAC

Stephen Ricks turned meeting over to Carlton Moore immediately.

II. WELCOME/GENERAL ANNOUNCEMENTS

CARLTON MOORE

Carlton Moore requested everyone to introduce themselves.

- Department of Finance Audit - End of October some preliminary report to OSPR to review.
 - ❖ Analytical and report writing phase right now.
 - ❖ The auditors are looking at the autonomy of the Administrator, and the organization of OSPR.
 - ❖ OSPR does not control the audit and neither does SLC.
 - ❖ Members of the TAC may be interviewed. Matt Rezvani was interviewed by the audit committee.
 - ❖ The fund doesn't come from the general fund.
 - ❖ The auditor's are concerned that the audit will be changed so that it is in line with the CPR. There is potentially major impact on the future of the OSPR program. Carl has a very high degree of confidence that OSPR will remain fully intact.
 - ❖ There is no rule regarding the TAC's involvement with the audit. Carl will share the draft audit, if not deemed confidential, with the TAC.

Stephen Ricks moved for a vote on the minute after lunch, seconded, unanimous.

III. AGENCY REPORTS

CCC/BCDC/SLC

California Coastal Commission:

- Harbor Safety Committee: The SF HSC is in the final stages of producing a brochure. Some of the video footage produced by SF HSC may be used by other HSCs in the future. Port Hueneme Safety Committee Chair is new. Some of the HSCs are looking at tug escort regulations. HSC Bylaws Subcommittees may need to reconvene so that the Bylaws are rewritten to match new regulations related to HSCs.
- Area Committees: Update of Area Plans has been extended to March. Looking at sensitive sites. Gives more time for CA dispersant plan.
- CCC tasked with looking at oil spill program element of the California Performance Review (CPR). Provided a copy of response to the CPR.
- Other activities:
 - ❖ Reviewed and wrote letter in support of McGrath Lake Trustee Council's August 2004 McGrath State Beach Area Draft Restoration Plan and Environmental Assessment, for the December 1993 Berry Petroleum Spill.
 - ❖ Provided comments on wildlife response plan to OSPR
 - ❖ Provided comments on draft Places of Refuge document (copies of comments provided to TAC)
 - ❖ Working on review of draft dispersant plan. Received some feedback on the plan, and are waiting for additional comments. Expect completion of draft final in March 2005.
 - ❖ Working with Larry Espinosa on making updates to Central Coast Area Contingency Plan.
 - ❖ Attended part of CeNCOOS meeting in September 2004, which included a number of agencies for various types of ocean measuring systems. Will not be continuing involvement except for tracking.
 - ❖ Sensitive site testing program in SF Bay: There are site strategies, and tests of those strategies, CCC has been going out as a team with OSPR, USCG, etc. One task is to find the contact person for local ranger and ensure who are the plover experts. May be some need to go back into specific site. There has to be periodic surveys. Central Coast would like to consolidate economic, environmental, cultural, and historic information into one place to make consistent on how it is captured. OSROs sensitive site responsibilities trigger requirements and equipment.
 - ❖ Looked at statewide ACP with USCG, OSPR, etc.

State Lands Commission:

Report provided.

- Did not include anything in the report on the CPR.
- Reviewed by Audit under SB 849
- Personnel: Losing positions (forty-five)
- MOTEMS: Delayed - Building Standards Commission indicated report was not sufficient. SLC is redoing the report.
- Otter Report provided.
- Outreach: Customer service meeting in Northern California on November 3, 2005 – everyone is invited.
- Prevention First completed in September - evaluations by 15 accessed at good or very good.
- Minerals Management Report provided.

SF Bay Conservation and Development Commission:

- Prevention through People workgroup to keep recreational boaters safe. Copies of brochures provided. Same workgroup have attended recreational boaters meeting, showing the video and making presentations regarding safety.
- CeNCOOS program: Physical Oceanographic Realtime System (PORTS). PORTS became a poster child for delivery of data about the ocean to public users. Focus was on what and how to transmit data to the end users. Ports came up as a working example.
- ACP: BCDC attended - turned into a drill.
- Continue to work with Attorney General in follow up with the Kinder Morgan pipeline spill. Kinder Morgan is not planning to replace the levy this year. AG spills are looking at history of Kinder Morgan and a task force has been set.
- Attended Harbor Safety Committee Workgroup: Joan Lundstrom was named the new HSC Chair. A full plan update is scheduled for 2005.

IV. BIENNIAL TAC REPORT

STEPHEN RICK

- Jonna Mazet requested TAC to look at executive summary (needs to be rewritten to include what the TAC has done).
- Mitch Beauchamp motioned to bring on TAC Report as an action item, seconded, unanimous.
- Jonna Mazet moved to accept the TAC Report with edits, seconded, unanimous.

Reminder the documents will be on the OSPR internet for the public

V. LEGISLATION

BUD LELAND

- AB 2388: Would require someone from ILWU local 68 to be placed on the Harbor Safety Committee in Los Angeles. The Committee is strongly opposing, and OSPR is working on an official opposition as well. SB 1742 has language that would allow the establishment of any number of at-large positions. Governor vetoed.
- SB 1480: Offers an option to the Administrator for tug escorts on vessels that are carrying cargo that are a public health and safety risk if released into the environment. Governor vetoed
- AB 1408: Gives authority to OSPR to evaluate pipelines and do a report. This bill will require immediate notification, strengthens the procedures and requires notification to be made to OSPR and OES. Bill has been amended so that the State Fire Marshall will do the evaluation and report. Still of issue delay. OSPR is not opposing. Governor passed
- SB 1742 (Omnibus Bill) – Gives grant authority for the Environmental Enhancement Fund, extends marine waters to Stockton and Sacramento for commercial navigation, allows the HSC to petition the Administrator for the establishment of at-large membership positions and authorizes the Administrator to define HSC geographic regions. Governor passed: effective January 1, 2005.

VI. PLACES OF REFUGE

BUD LELAND

- Pacific States British Columbia Task Force seeks a means to implement resolution of the International Maritime Organization. A salvage issue off the coast of Oregon was never satisfactorily resolved. PSBC set up a task force and put together a workgroup to look at this. Will develop an annex to the area plans. It is on the website for the Pacific States at <http://www.oilspilltaskforce.org>. The public comment period is open. It is a set of guidelines and a good series of questions for the incident responders, the staff on ship, and for health and safety issues. If life and death, as far as people on the ship, the ship has a right to come into port.
- California's position. As States resource trustee, we would make ourselves available to the process.

VII. REGULATIONS

JOY LAVIN-JONES

- Harbor Safety regulation: Minor amendments to harbor safety plan. End of the comment period is November 30, 2004. There are two public hearings are set in November 2004 (one in Fairfield and one in Long Beach). Previously, regulations attempted to accommodate each area Harbor Committee; however, in some ports one size doesn't fit all.
- TAG workgroups on shoreline protection: Will have tables - looking at early 2005.

VIII. APPROVAL OF THE MINUTES

STEPHEN RICKS (CHAIRPERSON)/TAC

Suggested corrections: spelling of Sherrer (Sher); correct date of next meeting to October 19; and correct legislative bill reference. Mitch Beauchamp moved for approval of the minutes with corrections. Joan Lundstrom seconded, unanimously approved.

IX. INLAND SPILL PREVENTION AND RESPONSE

CARLTON MOORE

- Will OSPR continue to respond? From statewide standpoint very few spills are in the marine waters. Five major pipeline breaks in the last five months. Have data on pipeline locations; however not sure the data shows all abandoned pipelines. OSPR has asked for two more staff to address pipeline issues. Reduced pressure at the Kinder Morgan pipeline is 986 lbs. Get tremendous volumes when there is a break.
- OSRTF can only be used for petroleum into the marine waters of California. The inland fund, is below five million, and OSPR projects in 1½ years it will be out of money. Other types of incidents, such as, train wrecks, hazardous waste spills, etc. are paid for through Fund 207 because considered inland pollution.
- EPA is the lead responder for inland response. EPA will respond to large incidents not the smaller incidents. Only respond to about fifty percent. Focusing on long term very hazardous incidents.

- Recommendations:
 - ❖ Map all pipelines and bring CalTrans under same law as everyone else.
 - ❖ Jointly sponsor legislation to attach the Waste Oil Recycling Fund - administers by the Integrated Waste Management Board.
 - ❖ Set up administrative civil penalties for inland incidents. Need the Director to agree to administrative civil penalties on small incident.
 - ❖ Efficiencies in cost recovery.
- As of September 1, 2004, inland wardens report to OSPR, not the regions. OSPR is putting all wardens through marine training.

X. CALIFORNIA PERFORMANCE REVIEW

CARLTON MOORE

- Round two: Four chapters - grid prepared by DFG, but it broke CPR recommendations into categories. The commission went on the road with series of hearings. The Governor's office will make a decision to go through CPR in whole, in part, or not at all.
- Consolidate like programs into one particular house and have a model that mirrors the federal organization (agencies would not exist and they would be departments, and these departments would go under a new department).
 - ❖ It is proposed that OSPR go to a new Environmental Protection Agency. This is problematic due to delegation, etc. OSPR commented to the larger picture of environmental factors.
 - ❖ Proposal for wardens to go under enforcement "public safety and homeland security". No savings in terms of dollars, efficiency alone it will not happen. We cannot do our job without the wardens.
 - ❖ Trustee status will go to the DFG, which will diminish authority to enforce laws related to habitat and wildlife.
- Goes to Little Hoover Commission: Special body that makes recommendation, then to legislature, the governor needs to submit a budget.
- TAC has been slated for elimination: Testimony has been provided at hearings and resolutions have been shared with the Governor and the legislation by SLC. The TAC should do its own resolution. OSPR has commented that the TAC should not go away. Points need to be made by the public. A TAC subcommittee was put together to do a resolution regarding non-elimination of the TAC. *Subcommittee: Jonna Mazet, Steve Ricks, Mitch Beauchamp, Matt Rezvani*

XI. OLD/NEW BUSINESS

- PORTS program, has been struggling for quite some time. NOAA turned over to HSC in SF, looked at user based service. BAR pilots use it. Most website hits are by recreational boaters. Without funding, it will go away.
- *Suggested Agenda Items for next meeting*
 - TAC review of audit analysis on new dispatch center is working
- *Date and Location of 2004 meetings*
 - January 25, 2005 – Sacramento
 - April 26, 2005
 - July 26, 2005
 - October 25, 2005

ADJOURN